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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,177	12/03/2003	Mary C. Tannenbaum	005708/P010US/08008819	5985

29053 7590 01/04/2006

DALLAS OFFICE OF FULBRIGHT & JAWORSKI L.L.P.
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DALLAS, TX 75201-2784

EXAMINER

CHOW, MING

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/727,177

Applicant(s)

TANNENBAUM, MARY C.

Examiner

Ming Chow

Art Unit

2645

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-37,39,41-44 and 48-51.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: (see attached responses).
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

1. Applicant argues, on page 9, regarding the claimed “the playing time associated with the message”. The Examiner has clearly stated the rejections. Wood et al teach on column 3 line 61-63, a memory for storing personalized information (claimed “messages”) for playing at a predetermined time. The “predetermined time” is the claimed “playing time associated with the message”. This is a time for playing not a time for recording.
2. Applicant argues, on page 9, regarding the claimed “personalized information for playing at a predetermined time”. The Examiner disagrees with the arguments. Wood et al teach on column 3 line 66 to column 4 line 9, the personalized information (claimed “messages that do not have controlled play times”) is broadcasted to the user after the alarm sounds. It is clear the predetermined time is associated with the alarm but not the personalized information. The predetermined time is for the alarm but not for the personalized information. Wood et al further teach “turning off the alarm can initiate the broadcast of the personalized information”. It is clearly taught by Wood et al that the time of “turning off the alarm” is not the predetermined time associated with the alarm. Therefore, there is no predetermined time associated with the personalized information.
3. Applicant argues, on page 10 , regarding the claimed “receipt of playing times” of claim 19. The Examiner disagrees with the arguments. As rejections clearly stated in the Office Action, Wood et al teach on column 3 line 61-63, a memory for storing personalized information (claimed “messages”) for playing at a predetermined time (reads on claimed “receipt of playing times”). Wood et al also teach column 4 line 65, schedule items. Applicant is respectfully requested to read the detail of the cited prior art.

4. Applicant argues, on page 10, regarding the claimed “receipt of any attributes” of claim 28. The Examiner disagrees with the arguments. As rejections clearly stated in the Office Action, Wood et al teach on column 3 line 61-63, a memory for storing personalized information (claimed “messages”) for playing at a predetermined time (reads on claimed “receipt of playing times”). Wood et al also teach column 4 line 65, schedule items. It has been clearly pointed out in the Office Action that the “schedule” and “the playing times” as taught by Wood et al is the claimed “attribute”.
5. Applicant argues, on page 10, regarding the claimed “receipt of playing times particularly not contained in a message” of claim 44. The Examiner disagrees with the arguments. Applicant’s argument contradicts the claimed limitation. Claim 44 claimed “said created message in association with said created delivery time”. Therefore, Applicant’s argument is moot.
6. Applicant argues, on page 10, regarding “how the system knows what time to play the message”. The argument is out of the scope of the claimed limitations. The time when the message is played. The recipient does not have any action to play the message.
7. Applicant argues, on page 11, regarding claim 8. See responses stated in item 2) above.
8. Applicant argues, on page 11, regarding the “profile” of claim 9. The rejections have been clearly stated in the Office Action that Wood et al teach on column 7 line 8-23, the personal profile.
9. Applicant argues, on page 11, regarding “the selection is based on messages sent to the recipient” of claim 10. It has been clearly stated in the Office Action that Wood et al teach on column 4 line 65 to column 5 line 24, reminder message. The sender and the

recipient are the same person. The profile is created by the user (sender/recipient). The customized message (claimed "selected other message") is controlled by information received from the sender.

10. Applicant argues on page 11, regarding claim 13. Claim 13 depends on claim 1. All rejections as stated in claim 1 also apply to claim 13.
11. Applicant argues, on page 11, regarding claim 15. Claim 15 claims "override control for playing selected ones of said messages". Wood et al teach on column 4 line 3-9, depress a button to turn the alarm off (reads on claimed "override control for playing"). Depressing a button to turn off the message is the claimed "override control for playing".
12. Applicant argues, on page 12, regarding "downloading" of claim 22. The rejections stated in the Office Action have clearly indicated Wood et al teach on column 3 line 26-28, personalized information are downloaded to the client computer via internet.
13. Applicant argues, on page 12, regarding "downloading of playing time" of claim 23. See responses stated in item 8) above.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to the examiner Ming Chow whose telephone number is (571) 272-7535. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is

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(571) 272-2600. Any inquiry of a general nature or relating to the status of this application or proceeding should be mailed to:

Commissioner of Patents and Trademarks

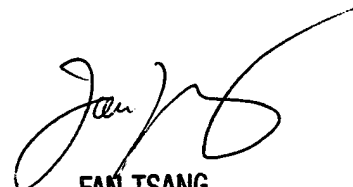
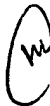
Washington, D.C. 20231

Or faxed to Central FAX Number 571-273-8300.

Patent Examiner

Art Unit 2645

Ming Chow



FAN TSANG
SUPERVISORY PATENT EXAMINER
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